

IN RE: PETITION FOR ZONING VARIANCE  
N/S Wentworth Avenue, 1240' W  
of the c/l of Oakleigh Road  
(1718 Wentworth Avenue)  
9th Election District  
4th Councilmanic District  
Michael J. Harper, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-262-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, Michael J. and Linda Harper. The Petitioners request relief from Section 1802.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet on the east side for a garage addition and 8 feet on the west side for the existing dwelling, both in lieu of the required 10 feet for each, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Michael and Linda Harper, property owners, and Stanley F. Weber. There were no Protestants at the hearing; however, a letter of opposition was received from Katherine F. Wessel, President of the Northbrook Improvement Association.

Testimony indicated that the subject property, known as 1718 Wentworth Avenue, consists of 6,250 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners have constructed a garage addition on the east side of the existing dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the width of the lot and the location of the existing dwelling, the relief requested is necessary in order to legalize the garage addition and bring the property into compliance with current zoning regulations. Mr. Harper testified

that he and his wife purchased the property approximately 5 years ago and that since that time, they have made certain improvements to make their home a more comfortable place to live as well as to increase the value of their property. He testified that approximately 3 years ago, he constructed a carport on the east side of the dwelling. Last year, he enclosed the carport and converted it into a garage. The Petitioner also added a deck onto the rear of the garage. Testimony indicated that none of the Petitioners' immediate neighbors oppose the garage conversion. Specifically, testimony indicated that the property owners on the east side who would be most affected by the subject garage, Louis and Catherine A. Bubank, Jr., have no objection to the relief requested and in fact, support the Petitioners' request for variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1993 that the Petition for Zoning Variance requesting relief from Section 1802.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet on the east side for a garage addition and 8 feet on the west side for the existing dwelling, both in lieu of the required 10 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 3 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, the Petitioners shall apply for a building permit for the subject garage and arrange for a full inspection of the structure by a Building Inspector to insure that all Baltimore County building code standards have been met.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 3/14/93  
By [Signature]

- 4 -

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

March 10, 1993

(410) 887-4386

Mr. & Mrs. Michael J. Harper  
1718 Wentworth Avenue  
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE  
N/S Wentworth Avenue, 1240' W of the c/l of Oakleigh Road  
(1718 Wentworth Avenue)  
9th Election District - 4th Councilmanic District  
Michael J. Harper, et ux - Petitioners  
Case No. 93-262-A

Dear Mr. & Mrs. Harper:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

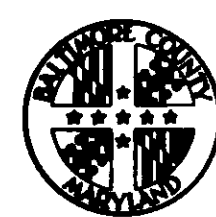
Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Katherine F. Wessel  
7408 Forrest Avenue, Baltimore, Md. 21234

People's Counsel

file



**Petition for Variance**  
to the Zoning Commissioner of Baltimore County

for the property located at 1718 Wentworth Road, Baltimore, MD 21234  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.C.1 to allow side yard setback of 3' for garage addition and 8' for existing dwelling in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
Strict compliance with Zoning Regulations will result in practical difficulty. Strict compliance would render conformance unnecessarily burdensome because removal of garage would eliminate availability of covered parking on the property and would lead to soil erosion and destruction of land due to damage to retaining wall.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Telephone

Business

Home

Mobile

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zipcode

Telephone

Business

Home

Mobile

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

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Other

Other

Other

Other

Other

Other

Other

ZONING DESCRIPTION FOR 1718 WENTWORTH ROAD

Beginning at a point on the north side of Wentworth Road at the distance of 1240 feet west of the nearest improved intersecting street, Oakleigh Road, being Lots 210 and 211 in the subdivision of Hillendale Park as recorded in Baltimore County Plat Book #12, Folio #12, containing .14 acre +/- Also known as 1718 Wentworth Road and located in the 9th Election District.

93-262-A

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th Date of Posting 2/17/93  
Posted for Variance  
Petitioner Michael & Linda Harper  
Location of property 45 (1718) Wentworth Hwy, 1240' W of Oakleigh Rd  
Location of Sign Facing road & way on property of Petitioner  
Remarks [Signature]  
Posted by [Signature] Date of return 2/18/93  
Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/18, 1993

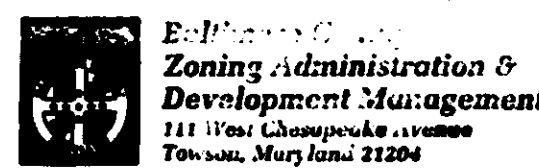
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/18, 1993.

THE JEFFERSONIAN,

S. Zeke Orlean  
Publisher

271

271



93-262-A receipt

Account: R-001-6180  
Number

Date

Len

Please Make Checks Payable To: Baltimore County  
\$50.00

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 2-19-93

Michael J. Harper and Linda Harper  
1718 Wentworth Road  
Baltimore, Maryland 21234

RE: CASE NUMBER: 93-262-A (Item 271)  
N/S Wentworth Avenue, 1240' W of c/l Oakleigh Road  
1718 Wentworth Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): Michael J. Harper and Linda Harper  
HEARING: TUESDAY, MARCH 9, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

FEBRUARY 10, 1993

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-262-A (Item 271)  
N/S Wentworth Avenue, 1240' W of c/l Oakleigh Road  
1718 Wentworth Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): Michael J. Harper and Linda Harper  
HEARING: TUESDAY, MARCH 9, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a side yard setback of 3 feet for garage addition and 8 feet for existing dwelling in lieu of the required 10 feet.

Arnold Jablon

Arnold Jablon  
Director

cc: Michael J. Harper and Linda Harper

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

March 3, 1993

Mr. and Mrs. Michael J. Harper  
1718 Wentworth Road  
Baltimore, MD 21234

RE: Case No. 93-262-A, Item No. 271  
Petitioner: Michael J. Harper, et ux  
Petition for Variance

Dear Mr. and Mrs. Harper:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 4, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

2-12-93

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 271 (LJG)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 18, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 265, 270, 271, 272, 273, 274, 277, and 278.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Paul Keller

PK/JL:lw

265.ZAC/ZAC1

#### BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: Feb. 18, 1993

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 16, 1993

There are no comments on item numbers 265, 266, 269, 270, 271, 272, 273, 274, 277 and 278.

Rahee J. Famili  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

FEBRUARY 19, 1993

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL J. HARPER AND LINDA HARPER

Location: #1718 WENTWORTH AVENUE

Item No.: 271 (LJG) Zoning Agenda: FEBRUARY 16, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

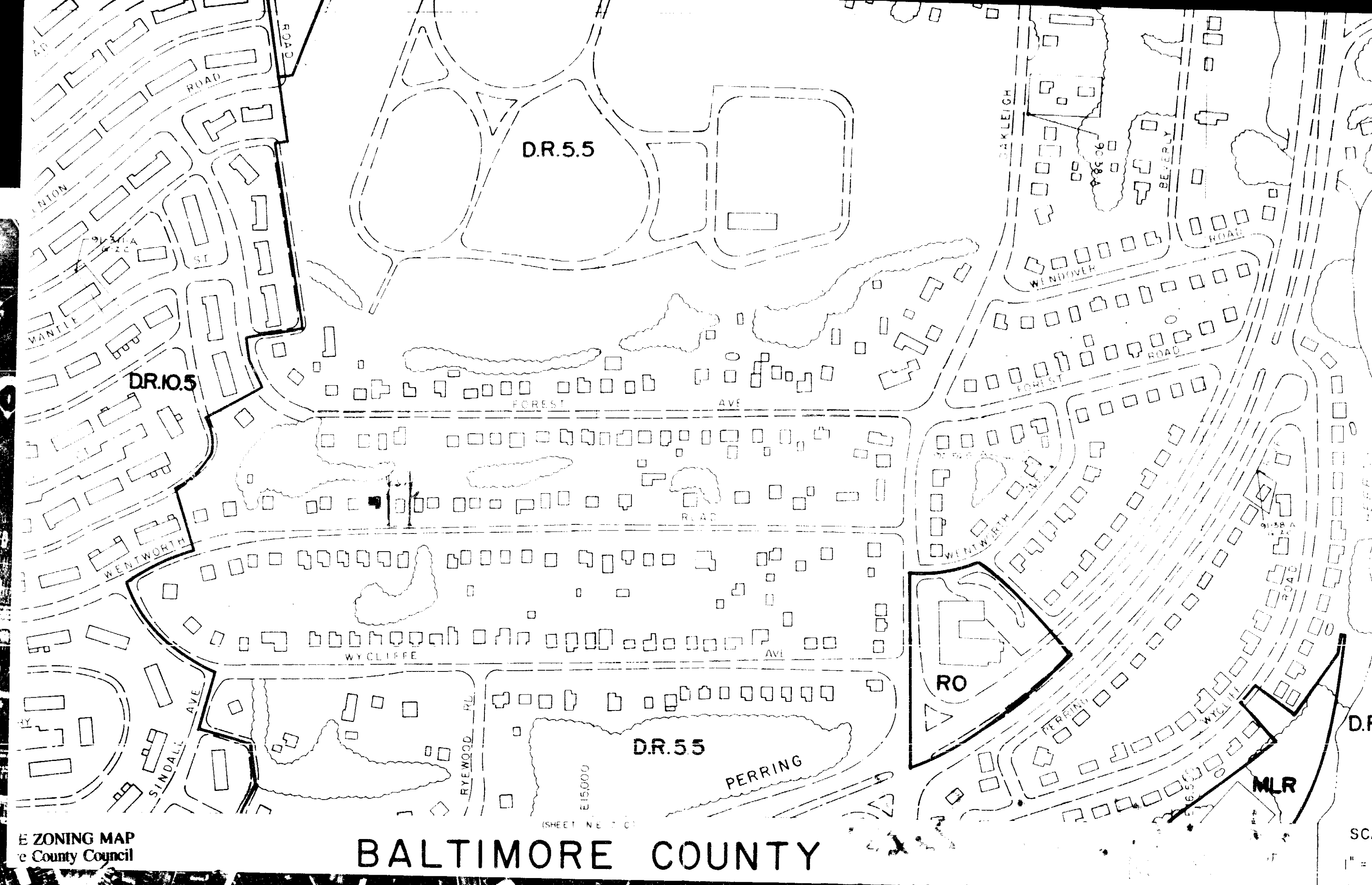
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Jerry Fisher  
Planning Group  
Special Inspection Division

JP/KEH







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 26151

SCALE	LOCATION	SHEET
1" = 200'	HARFORD PARK	VI
DATE OF PHOTOGRAPHY		
JANUARY 1986		

93-262-A